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ATTACHMENT 7

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PLANNING DIVISION

Dear Sunnyvale Planning Commission,

We have the following comments on the proposed development of 624 East Evelyn Avenue, file number 2004-0531.

We agree with the staff recommendation of planting additional and larger trees at the property line between the new construction and the existing homes on Bryan Avenue. If the developer is requesting a variance from the height limit, the developer should be required to take extra steps to limit the impact these tall buildings will have on the existing home owners.

In addition, we have concerns about the location of the trash enclosures near the property line with the existing neighbors. The current planned location will have potentially negative impacts on the residents of Bryan Avenue including noise and odor.

During the meeting the developer held with the community, there was a verbal promise that there would be no weekend construction. We would like the prohibition on weekend and holiday construction to be part of the requirements of the approval for permitting.

Sincerely,

 

Chris Friesen & Mo Olson
662 Bryan Ave.
Sunnyvale, CA 94086

August 23, 2004

The following is a list of issues and building requirements compiled by the residents of Bryan Avenue regarding the proposed plans to build townhomes by Golden Gate Commercial Company / Classic Communities at 624 East Evelyn Ave. Please consider these concerns of the long time residents of Bryan Avenue when making your decision to move forward with this project.

Issues:

1. The building height of 37'1" is excessive for a development adjacent to a single family dwelling neighborhood. The proposed height is almost double the height of the current structure. This excessive height greatly reduces the privacy of not just the houses adjacent to the property but the entire neighborhood on both sides of Bryan Avenue and potentially the homes on McKinley as well. The city code allows for a maximum height of 30' and a 2 story maximum, because the proposed plans are adjacent to single family homes the residents feel that the city code for both the height and story requirements should be adhered to.
2. If the planning commission **does not** take into consideration the neighborhood objection to the height/story extension when considering the proposed development of the 624 Evelyn property, we would like to request that a condition of approval be that mature trees be planted along the perimeter of the adjacent neighborhood property.
3. We are currently experiencing and have been for many years a problem with rats. Locating the trash enclosures at the rear of the development will encourage even more of a problem because the waste will transition from office waste to food waste therefore encouraging the rat problem. The ideal solution to this issue is to have individual trash/recycle bins provided to residents to be stored in their garages. This will make trash disposal to the residents easier to manage, eliminate over fill of community trash enclosures, encourage people to recycle and reduce the rat population in the neighborhood. In terms of the garbage truck not having enough room to lift the individual trash bins, if they have enough room on Bryan Ave. in between the parked cars to perform this operation it should not be a problem to do the same in the proposed development.

If you are interested in any additional information or comments please contact Ethelita Wallace @ 408-732-7254.

September 7, 2004

To: City of Sunnyvale City Council

Subject: Request to appeal the decision on file number 2004-0531, made by the City of Sunnyvale Planning Commission on August 23, 2004. The decision allows Classic Communities to move forward with their proposed development plan for the property located at 624 East Evelyn Avenue.

We the residents of the adjacent single-family homes on the 600 block of East Bryan Avenue would like to request that the City Council review the proposed plan to build 47 new town homes on the 2.58 acre site of 624 East Evelyn Avenue and consider any or all of the following four issues:

➤ **Proposed landscaping does not provide adequate privacy for existing residents.**

Classic Communities was granted an exception to build multiple 3-story structures outside of the building code regulations, creating an even more invasive intrusion into the privacy of the current residents to the south. The average current residency in this neighborhood exceeds 25 years. The residents have had a reasonable expectation of "line of sight" privacy from the north that was re-affirmed when a previous city council held the current buildings at the Evelyn site to single story instead of multiple story (as was proposed at the time). Many of the residents who attended those early council meetings are still residents on Bryan Ave. today.

In the case of this development, we feel that these trees are an extension of what could be referred to as a "good neighbor fence". We request that the residents of Bryan Avenue have input on the selection of larger, more mature trees and ask that city council require this of the developer since there is such a disparity in height between the two structure types. We would welcome feedback from the city Arborist for guidance.

The type of trees that are proposed for this project could take up to 10 years to provide some form of privacy screening. The proposed species is a type of tree that has a debris problem that will impose in on the residents in the form of increased waste and excessive maintenance that will in later years require each resident to hire arborists- at each homeowners expense.

The developer previously agreed with the residents' request to maintain the existing wall between the development and residents. The cost savings to the developer by avoiding demolition and construction of a new concrete wall should easily offset the cost of a different species and larger, more mature trees.

➤ **Centralized waste disposal does not address pre-existing rodent problem- may actually increase problem and associated health risks.**

The development as proposed maintains a waste collection system of centrally located dumpsters along the common wall separating the existing residents and the proposed development. The dumpsters at the current location are already a haven for various pests, (rats, mice, cockroaches, ants, etc.) with rats as the dominant problem and a health risk to the residents. We can speak from years of first hand experience that even the current office waste has continued to allow the rodent population to thrive. They can be seen daily traveling up and down the wall that separates the residents from the site. Also having years of experience with the waste containers from the local food merchants that share that Evelyn corridor (adjacent to the proposed development), we know what will happen when more food waste is introduced into the new development dumpsters- more rats and mice.

The developer informed the Bryan avenue residents that they would have preferred to utilize single home collection (trash/recycle cans per new residence), but the city was opposed to this due to drive way width requirements and possible recycle vehicle turn around needs. We feel strongly that the dumpster solution was not thought out and is not appropriate. The solution to the problem is so simple that perhaps it was overlooked by both the developer and the city planners. The result would be greater convenience for the new residents and reduced trips back and forth to the centralized collection site.

As proposed, the collection trucks enter the development, travel to the rear to empty the dumpsters, possibly turn around, then exit. Our solution is for the new residents have their own waste containers that are emptied as the truck enters the long "driveway" off Evelyn. On collection day, each "left" side driveway resident can simply roll their waste containers to the right side of the roadway (alongside the right-side resident containers). The distance left side residents would have to roll their contains would be approximately 25 feet- about the same as most Sunnyvale residents that have full driveways. Then the recycle vehicles can easily enter and collect from one side and leave as before.

An additional benefit to de-centralized waste locations would be an increase in green belt open space at the rear of the development.

With the ever increasing risks to both adults and children such as the rodent specific Hanta Virus and West Nile Virus, the residents of Bryan avenue feel the city council should be proactive address this problem by requiring that this development utilize standard single residence waste collection.

CDC Hanta Virus reference:
<http://www.cdc.gov/ncidod/diseases/hanta/hps/>

➤ **No restrictions on non-construction period noise and/or deliveries.**

The residents of Bryan Avenue already have a major construction project that is adjacent to some of them at 714 E. Evelyn (Villas at Sunnyvale) that offers an insight into what to expect from a similar development happening just a few feet from their homes.

Experiencing the Villas development during construction has meant hearing multiple deliveries of construction equipment (tractors, graders, etc.) and supplies outside of the city mandated hours of construction- often after 9pm. Generators or some form of engines are constantly running off hours and overnight. Work has also been performed on Sundays at a noise level that has been unacceptable. The developer for Villas is a different developer then the developer for the proposed project, but general construction factors would be common between them especially when trying to meet construction deadlines.

At the Planning Commission hearing the proposed developer agreed to abide by construction guidelines for work hours, but we feel the "off hours" activities were not adequately addressed.

The developer has noted that during construction the primary access route for construction vehicles will be along the common wall separating the Bryan Ave. residents from the site. This means increased noise just two feet away from the residents- all day long. Then add the potential for late night deliveries with chains rattling and the "beep-beep-beep" of tractors and loaders being backed off trailers and driven around the site to their staging areas, generators running overnight, and it doesn't take much to imagine how negative this overall experience can be and the potential impact on the residents.

We would request that the developer truly commit to no noise after construction hours and ask the council to set a condition that no deliveries are made from 6pm to 7am weekdays, 8am to 5pm Saturdays, and no noise or deliveries whatsoever on Sundays. This conforms to existing Sunnyvale City policy but with the example of the adjacent Villas development it has been our experience that it is not aggressively enforced.

The residents understand it is our within our rights to contact the Department of Public Safety with the possibility of the developer being sited for violations, but that would be a last resort and a waste of Public Safety resources. We would ask the council to require the developer and/or general contractor face some sort of penalty or fine should they not conform to the above noise and activity restrictions. The developer should also provide a telephone number for a contact person available 24 hours a day 7 days a week should there be any site issues. This would provide the residents recourse and may add additional levels of protection for the developer should residents hear or see some sort of suspicious or questionable activity.

➤ **Increased dust and airborne debris onto existing residential property not addressed.**

With another major construction project adjacent to Bryan Ave. we have experienced dust and airborne debris that creates a nuisance to the residents. In early discussions with the "Villas" developer, they proactively volunteered to provide additional relief such as street sweeping, pool cleaning, and external house washing (all without charge), at residents request(s) to mitigate the problem. The developer of the proposed development has not been willing to offer similar resources to Bryan Ave. residents. The proposed development will be significantly closer (a few feet away) and we can expect a higher degree of dust and debris in the early phases of demolition and foundation work. We would ask that the council require the developer to also offer to mitigate the dust and debris problem by also offering the same relief when requested by residents.

We urge the City Council to review this development and strongly consider the issues and proposed solutions raised in this appeal.

Respectfully,

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Manuel & Fern Cardoza
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Mrs. Aveni
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669 East Bryan Ave.
Sunnyvale, CA 94086

September 1, 2004

To: City of Sunnyvale City Council

Subject: Request to appeal the decision on file number 2004-0531, made by the City of Sunnyvale Planning Commission on August 23, 2004. The decision allows Classic Communities to move forward with their proposed development plan for the property located at 624 East Evelyn Avenue.

We the residents of the adjacent single family neighborhood on the 600 block of Bryan Avenue would like to request that the City Council reject the proposed plan to build 47 new town homes on the 2.58 acre site of 624 East Evelyn Avenue.

We have no objection to the owners of the 624 East Evelyn Avenue property building multifamily dwellings, as long as they meet the current building requirements for the designated R-3 zoning. However, Classic Communities was also granted the permission to build outside the zoning building code requirements; this is the source of our appeal.

The property was rezoned in 1993 from industrial and is currently in a C-1/ITR/R-3/PD (Neighborhood Business/Industrial to Residential/Medium Density Residential/Planned Development) Zoning District. The building code height requirements for this zoning district are as follows:

➤ **Section 19.32.020 Building height and lot coverage:**

- R3 zoned properties:
 - Stories = 2 Stories maximum
 - Height = 30 feet maximum
 - Lot Coverage = 40% maximum

➤ **Section 19.32.040 Building Heights – Distance from property line:**

- The **height** of buildings constructed or erected in any multiple family residential, commercial or industrial zoning district **within seventy-five feet of the property line of property** in a single-family residence zoning district **shall not exceed twenty feet** in the event existing buildings on the adjacent lot are **one story** or thirty feet if the existing buildings are two story or the lot is undeveloped. (Ord. 2623-99 § 1 (part); prior zoning code § 19.40.040).

Because Classic Communities requested and was granted an exception to build outside of the building code regulations listed above, the proposed plans are well outside of the above mentioned building code height requirements. The proposed plans include:

➤ **Building Height Variances:**

- Stories = 3 (note the 2 story maximum above)
- Height = 37.5 ft
- Lot Coverage = 88.5%

➤ **Building Height – Distance from property line**

- Distance from property line = 33 feet

(code designates that the distance from the property line should be 75' and the building height should not exceed 20 feet)

Although the developer has requested a 17 foot variance in height, and claim to be adding 15' to the necessary set back from the property line, in fact they are asking for a one story variance, and a 40 foot exception to the set back requirement. These distance and height requirements are in the building code for a reason, to protect the privacy of those who live in the adjacent one story dwellings.

Property owners on Bryan Avenue sharing the property line with such a towering and intrusive development can expect a decrease in the value of their property, as potential homebuyers would understandably pay less money for a yard and back windows with the view of a three story town home.

The developer should have done the necessary research at the time of purchasing the property to know what the restrictions of the site were, and not be requesting such major exemptions from City Building Code in order to make the project feasible for developer and it's investors. The developer's lack of foresight is no reason for the residents of the 600 block of Bryan Ave to have intrusions on their privacy and a reduction of their property values.

We also feel the site has not made adequate plans for parking for the proposed development. Anyone who has tried to find parking in areas with high density housing should understand that the proposed guest parking spaces are not adequate to meet the needs of the proposed building residents and their guests. Evelyn Avenue currently has limited parking in the evenings and weekends, and with the City of Sunnyvale's Traffic Department proposing to eliminate off street parking on Evelyn the situation will be come considerably worse with tenants of the Blue Bonnet Mobile Home Park and the guests of the proposed development spilling over onto a joining residential streets, such as Bryan Avenue. So the residents of Bryan Avenue will have not only reduced privacy and property values, but also increased traffic and parking problems for their own guests.

We urge the Sunnyvale City Council to reject this poorly thought out development.

Regards,

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